

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 12.02.2020
CORAM

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P. No.11745 of 2016
and
WMP Nos.10154 and 10155 of 2016

P.G.Shanmugam

... Petitioner

Vs

1. State of Tamil Nadu,
Represented by its
Secretary to Government,
Housing Unit and Urban Development department,
Fort St. George,
Chennai - 600 009.

2. The Managing Director,
Tamil Nadu Housing Board,
No.493, Anna Salai,
Nandanam,
Chennai - 600 035.

3. Manager Marketing & Service,
O/o. Executive Engineer
and Administration Officer,
Coimbatore Housing Unit,
Tatabad,
Coimbatore - 641 012.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned notice Lr.No./CHU/9/DLC/1-4/2016, dated 09.02.2016 of the 3rd respondent based on the working sheet of Finance Consultant dated 29.02.2016 in Lr.No.C2/16716/2014 and quash the same and forbearing the respondents from claiming interest retrospectively from the date of original allotment on the differential cost in land and claiming enhanced cost for the land not referred to the civil court and directing the respondents to execute the sale deed in favour of the Petitioner for allotment of House, MIG No.842, with the land measuring an

extent of 1506 square feet, at Ganapathy Maanagar, IV Block, Ganapathy, Coimbatore within a time stipulated.

For Petitioner : Mr.R.Kannan
For Respondents : Mrs.K.Bhuvaneswari
Additional Government Pleader
for R1
Mr.R. Bharathkumar
Standing Counsel for TNHB
for RR2 and 3

ORDER

The learned Standing Counsel for the respondents 2 and 3 submits that nothing survives for adjudication in this writ petition, as according to him, the sale deed has already been executed in favour of the petitioner.

2. However, it is submitted by the learned counsel for the petitioner that the sale consideration was paid by the petitioner to the respondents under protest. According to him, there is a dispute between the land owners and the Tamil Nadu Housing Board with regard to the quantum of compensation, which is the subject matter of the arbitration and in all likelihood, an award will be passed soon. He submits that once an award has been passed and the compensation amount payable to the land owners is reduced, there is a chance for the petitioner to obtain refund of the excess payments made by him to the respondents. Hence, he seeks liberty of this Court to claim refund of the excess amount paid by him, in case the arbitration award is passed in his favour. Accordingly, this Court is inclined to grant such a liberty.

3. Recording the submissions made by the learned Standing Counsel for the respondents 2 and 3, the writ petition is dismissed as withdrawn. However, liberty is granted to the petitioner to approach this Court by filing a separate writ petition in case he succeeds in the arbitration proceedings referred to supra. No costs. Consequently, connected miscellaneous petitions are closed.

sd/-
Asst.Registrar (CS VI)

/true copy/
Sub Asst. Registrar

vsi2

To

1. The Secretary to Government,
State of Tamil Nadu,
Housing Unit and Urban Development department,
Fort St. George,
Chennai - 600 009.

2. The Managing Director,
Tamil Nadu Housing Board,
No.493, Anna Salai,
Nandanam,
Chennai - 600 035.

3. The Executive Engineer
and Administration Officer,
Manager Marketing & Service,
Coimbatore Housing Unit,
Tatabad,
Coimbatore - 641 012.

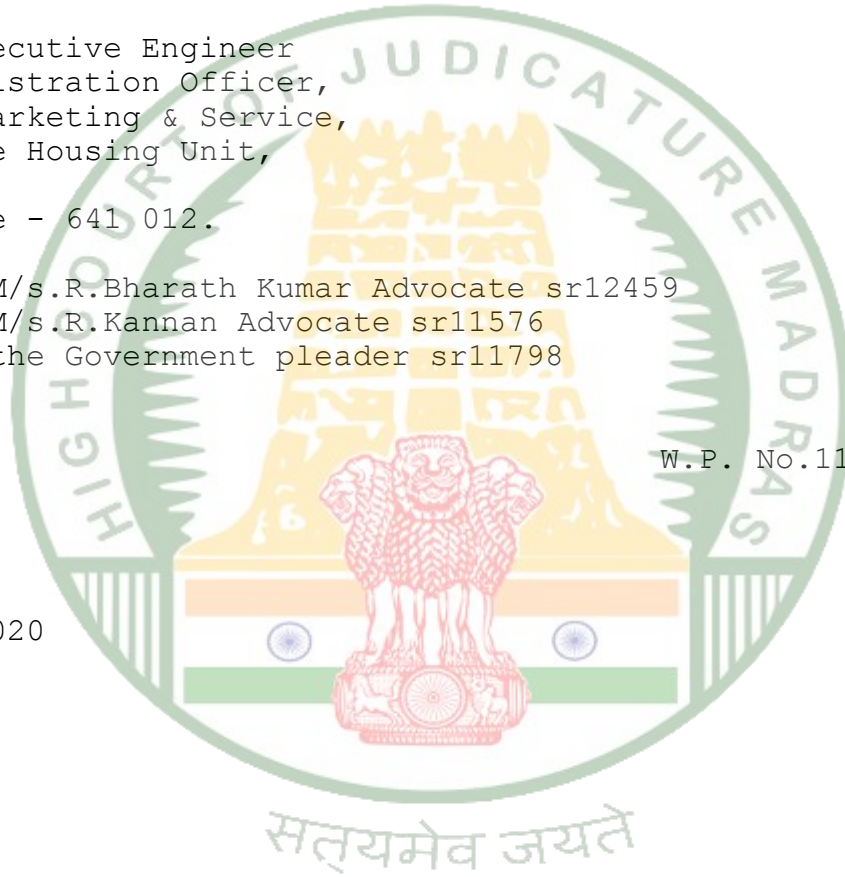
+1 cc to M/s.R.Bharath Kumar Advocate sr12459

+1 cc to M/s.R.Kannan Advocate sr11576

+1 cc to the Government pleader sr11798

W.P. No.11745 of 2016

cp(co)
aa09/03/2020



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